

## **ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2012-0127 – Govalle Tunnel      **Z.A.P. DATE:** November 20, 2012  
Centralized Odor Control Facility

**ADDRESS:** 818 – 826 Patton Avenue

**APPLICANT:** City of Austin – Public Works Department      **AGENT:** Parsons Corporation  
(Jonathan Thompson)      (Monica Suarez)

**ZONING FROM:** P      **TO:** CS      **AREA:** 0.7367 acres  
(32,090.65 square feet)

### **SUMMARY STAFF RECOMMENDATION:**

Staff recommends general commercial services (CS) district zoning.

### **ZONING & PLATTING COMMISSION RECOMMENDATION:**

November 20, 2012: *APPROVED CS DISTRICT ZONING, BY CONSENT*  
*[P. SEEGER; C. BANKS – 2<sup>ND</sup>] (7-0)*

### **ISSUES:**

The Applicant's correspondence is located at the back of the Staff packet.

### **DEPARTMENT COMMENTS:**

The subject rezoning area consists of a portion of two lots and three platted lots along Patton Avenue that are zoned public (P) district by a 2011 rezoning case. The lots were previously developed with four apartment units and two single family residences, but were purchased by the City in 2009 as part of the Airport Noise Mitigation program, and were previously in process to be transferred to the Austin Water Utility. The majority of residences that were located on Patton Avenue have been cleared as part of the Airport Noise Mitigation program, and only three single family residences and one duplex remain. There is a City pump station and an equipment rental business adjacent to the west (P; IP-CO). Please refer to Exhibits A and A-1.

During the design of the Govalle Tunnel Centralized Odor Control Facility, it was anticipated that the subject property would provide floodplain mitigation of the work planned for the Biofilter Facility. After public (P) zoning was approved in January 2012, the Biofilter Facility was designed. The Applicant worked with the Floodplain Management office of the Watershed Protection Department and was able to determine that the subject property is not needed for floodplain mitigation purposes as previously anticipated. Therefore, Austin Water Utility is now in the process of returning the subject property to the ABIA Noise Mitigation program. The Federal Aviation Commission requires that the airport owner

dispose of unneeded noise land at fair market value and has requested the general commercial services (CS) district zoning for the property. Access to the property will be taken from Patton Avenue.

Staff recommends CS district zoning, given that the property is not appropriate to be rezoned to a residential district due to its location within Airport Overlay Zone – 3 (AO-3), also known as the ½ mile buffer zone that does not allow for new residential development to occur, and commercial zoning is appropriate adjacent to the Bastrop Highway right-of-way, and in proximity to other commercial and industrial zoned properties.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	P	Undeveloped
<i>North</i>	SF-3	One single family residence; Undeveloped
<i>South</i>	N/A	Bastrop Highway frontage road
<i>East</i>	SF-3	One duplex; Undeveloped
<i>West</i>	IP-CO; P	Equipment rental company; City odor control facility

**AREA STUDY:** N/A

**TIA:** Is not required

**WATERSHED:** Carson Creek

**DESIRED DEVELOPMENT ZONE:** Yes

**CAPITOL VIEW CORRIDOR:** No

**SCENIC ROADWAY:** No

**NEIGHBORHOOD ORGANIZATIONS:**

299 – The Crossing Gardenhome Owners Association  
 477 – El Concilio Coalition of Mexican American Neigh. Association  
 511 – Austin Neighborhoods Council      634 – Montopolis Area Neighborhood Alliance  
 742 – Austin Independent School District      774 – Del Valle Independent School District  
 786 – Home Builders Association of Greater Austin  
 1037 – Homeless Neighborhood Organization      1075 – League of Bicycling Voters  
 1145 – Carson Ridge Neighborhood Association  
 1195 – Imperial Valley Neighborhood Association  
 1200 – Super Duper Neighborhood Objectors and Appealers Organization  
 1224 – Austin Monorail Project  
 1227 – Montopolis Neighborhood Plan Contact Team (MNPCT)  
 1228 – Sierra Club, Austin Regional Group  
 1236 – The Real Estate Council of Austin, Inc.      1258 – Del Valle Community Coalition  
 1272 – Montopolis Neighborhood Plan – COA Liaison  
 1321 – Montopolis Tributary Trail Association  
 1339 – Montopolis Neighborhood Association 2008  
 1340 – Austin Heritage Tree Foundation      1357 – Montopolis Neighborhood Association  
 1363 – SEL Texas

**SCHOOLS:**

Allison Elementary School Martin Junior High School Eastside Memorial Green Tech HS

**CASE HISTORIES:**

<b>NUMBER</b>	<b>REQUEST</b>	<b>COMMISSION</b>	<b>CITY COUNCIL</b>
C14-2011-0144 – Govalle Tunnel Centralized Odor Control Facility – 801-821 Patton Avenue	SF-3 to P	To Grant	Approved (1-12-12).
C14-2011-0064 – Govalle Tunnel Centralized Odor Control Facility – 800-814 Patton Avenue	SF-3 to P	To Grant	Approved (8-18-11).
C14-2009-0063 – Patton Avenue – 822 and 824 Patton Avenue	MF-2 to CS-1	To Grant CS-1-CO with CO prohibiting cocktail lounge use and 2,000 trips per day	Approved Staff recommendation of GR-CO with CO for 2,000 trips on First Reading; Case Expired
C14-2007-0183 - U.S. 183 / Govalle Tunnel Lockheed Shaft Relocation Project – 829 Bastrop Highway NB	I-SF-2; IP-CO to P	To Grant P	Approved P as Commission recommended (11-29- 07).
C14-02-0174 – Centex Business Consultants (The Landing Strip) – 745 Bastrop Highway	I-RR to LI for Tract 1; CS-1 for Tract 2	To Grant IP-CO for both tracts with CO for 2,000 trip limit	Approved LI-CO for Tract 1; CS-1-CO for Tract 2 with the CO across both tracts limited to 2,000 trips (11-20-03).
C14-02-0122 – Anton Equipment – 829 Bastrop Highway	I-RR to IP	To Grant IP-CO with The Conditional Overlay is for a 50 foot wide setback adjacent to SF-3 zoned property, prohibit access to Lourie and Earl Streets and a 2,000 trip limitation.	Approved IP-CO with the CO for a 50 foot wide setback adjacent to SF-3 zoned property, prohibit access to Lourie and Earl Streets and a 2,000 trip limitation (7-31-03).

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**RELATED CASES:**

The rezoning area was annexed on September 6, 2001. The property is platted as a 14,645 square foot area of Lots A and B, and Lot C, Block 1, a Resubdivision of Lot 1, Block 1, Bergstrom Downs No. 1, and Lots 2 and 3, Block 1, Bergstrom Downs No. 1. The property was rezoned to public (P) district zoning in January 2012 (C14-2011-0145). There are no related site plan cases on the subject property.

**ABUTTING STREETS:**

Name	ROW	Pavement	Classification	Daily Traffic
Patton Avenue	50 feet	30 feet	Local	Not Available
U.S. 183	Varies	MAD – 6	Freeway	75,000

There are no existing sidewalks along Patton Avenue, Jet Lane, or Lourie Street.

According to the Austin 2009 Bicycle Plan Update approved by Austin City Council in June, 2009, a bicycle facility is not identified on Patton Avenue, Jet Lane, or Lourie Street.

Capital Metro bus service (Route No. 100) is available along US 183. Capital Metro bus service is not available along Patton Ave.

**CITY COUNCIL DATE:** December 6, 2012

**ACTION:**

**ORDINANCE READINGS:** 1<sup>st</sup>

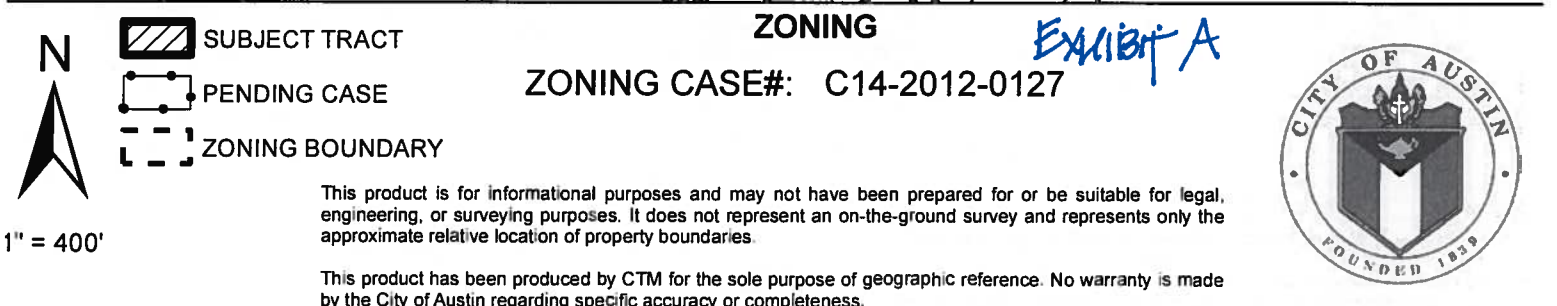
2<sup>nd</sup>

3<sup>rd</sup>

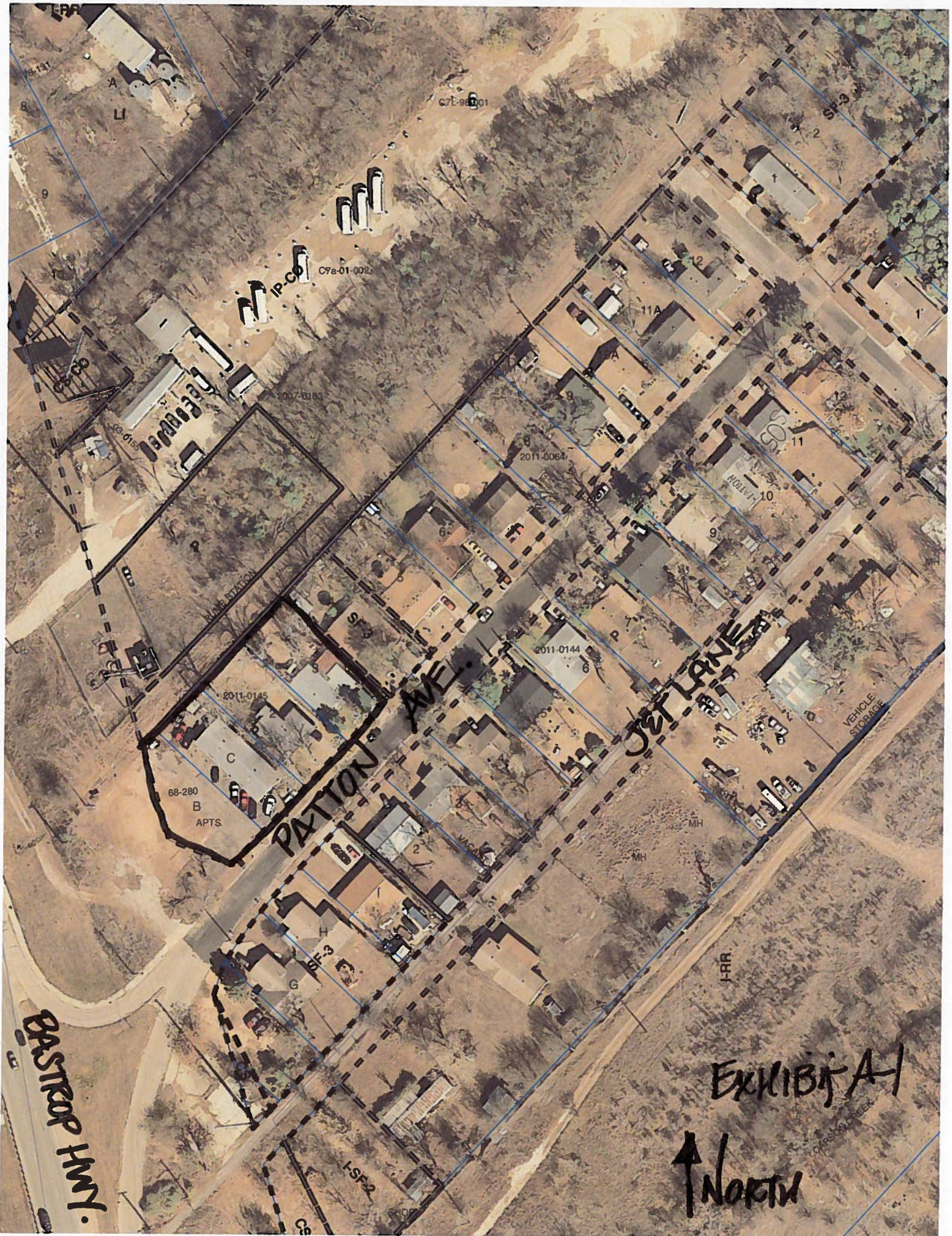
**ORDINANCE NUMBER:**

**CASE MANAGER:** Wendy Rhoades  
e-mail: wendy.rhoades@austintexas.gov

**PHONE:** 974-7719







PASTOR HWY.

EXHIBIT A

↑ NORTH



## **SUMMARY STAFF RECOMMENDATION:**

Staff recommends general commercial services (CS) district zoning.

## **BASIS FOR LAND USE RECOMMENDATION (ZONING PRINCIPLES)**

- 1. The proposed zoning should be consistent with the purpose statement of the district sought.*

The general commercial services (CS) district is intended predominantly for commercial and industrial activities of a service nature having operating characteristics or traffic service requirements generally incompatible with residential environments. The CS district is best suited for uses located at intersections of arterial roadways or arterials with collector status. The intention is to promote safe and efficient use of transportation facilities.

- 2. Zoning changes should promote compatibility with adjacent and nearby uses.*

Staff recommends CS zoning, given that the property is not appropriate to be rezoned to a residential district due to its location within Airport Overlay Zone – 3 (AO-3), also known as the ½ mile buffer zone that does not allow for new residential development to occur, and commercial zoning is appropriate adjacent to the Bastrop Highway right-of-way, and in proximity to other commercial and industrial zoned properties.

## **EXISTING CONDITIONS**

### **Site Characteristics**

The rezoning area is undeveloped and relatively flat.

### **Impervious Cover**

The maximum impervious cover allowed by the CS zoning district would be 80% which is a consistent figure between the watershed and zoning regulations.

### **Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Carson Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code. Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family	50%	60%

(minimum lot size 5750 sq. ft.)		
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

According to floodplain maps, there is a floodplain within the project boundary. Based upon the close proximity of floodplain, offsite drainage should be calculated to determine the exact location of the boundaries. No development is permitted in the Critical Water Quality Zone, while impervious cover is limited to 30% in the Water Quality Transition Zone.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

### **Transportation**

No additional right-of-way is needed at this time.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

### **Water and Wastewater**

There are no Water and Wastewater Review comments for this rezoning case.

### **Site Plan and Compatibility Standards**

This site is within the Airport Overlay Zone AO-3. Show the limits of the AO-3 zone on the plan. Please add the following note to the site plan:

"This property is within the Airport Overlay Zone AO-3. Development on this property is limited by Chapter 25-13 of the Austin City Code. Airport hazards as defined in Federal



Aviation Regulations Part 77, as adopted by the City in Section 25-13-23, are prohibited. Noise level reduction measures may be required for certain new structures."

For more information, contact Joe Medici, Airport Planner, 530-6563. Provide approval from ABIA.

The site is subject to compatibility standards. Along the north and south property lines, the following standards apply:

- No structure may be built within 25 feet of the property line.
- No structure in excess of two stories or 30 feet in height may be constructed within 50 feet of the property line.
- No structure in excess of three stories or 40 feet in height may be constructed within 100 feet of the property line.
- No parking or driveways are allowed within 25 feet of the property line.
- In addition, a fence, berm, or dense vegetation must be provided to screen adjoining properties from views of parking, mechanical equipment, storage, and refuse collection.

Additional design regulations will be enforced at the time a site plan is submitted.

### **Comprehensive Planning Review**

The subject property is located on the north side of Patton Avenue, is not located in a neighborhood planning area, and is located approximately 250 ft. east Bastrop Highway, which is identified as a high capacity transit corridor on the Imagine Austin Growth Concept Map. Surrounding land uses include mostly vacant properties, which were recently cleared because of the adjacent Govalle Tunnel Centralized Odor Control Facility and is situated in the Airport Overlay Zone. The subject property currently is vacant but recently contained single family houses in a single family neighborhood.

The following Imagine Austin policies, taken from Chapter 4 of the plan state:

LUT P3. Promote development in compact centers, communities or along corridors that are connected by roads and transit, are designed to encourage walking and bicycling, and reduce healthcare, housing and transportation costs.

LUT P4. Protect neighborhood character by directing growth to areas of change that include designated redevelopment areas, corridors and infill sites. Recognize that different neighborhoods have different characteristics and new and infill development should be sensitive to the predominant character of these communities.

LUT P6. Ensure that neighborhoods of modest means have a mix of local-serving retail, employment opportunities, and residential uses.

Based on the property being located adjacent to Bastrop Highway, and Imagine Austin policies referenced above, staff believes that commercial rather than light industrial land uses are consistent with the Imagine Austin Comprehensive Plan.



## City of Austin

### PUBLIC WORKS DEPARTMENT

Project Management Division & Engineering Services Division  
505 Barton Springs Road, Suite 900, Austin, TX 78704  
Telephone (512) 974-7065 Fax (512) 974-7084

October 29, 2012

Wendy Rhoades  
Planning & Development Review Department  
505 Barton Springs Rd., Suite 500  
Austin, TX 78704

**Subject: Rezoning Case C14-2012-0127**

Dear Ms. Rhoades,

The following is to clarify the reason for the proposed rezoning request for 818, 820, 822 and 824 Patton Lane as described in Case # C14-2012-0127.

During the design of the Govalle Tunnel Centralized Odor Control Facility, it was anticipated that 818-824 Patton Lane would be needed in order to provide flood plain mitigation of the work planned for the Biofilter Facility being constructed under SPC-2011-0203C. As a result, we requested that these properties be rezoned to "P" in order to include them in the AWU project. This rezoning was accomplished under Case #C14-2011-0145 in October 2011.

Since that time, the design of the Biofilter Facility was completed. After significant coordination with the Watershed Protection Floodplain Management office, it was determined that the flood plain mitigation could be accomplished without utilizing the lots on 818-824 Patton Ave. Therefore, AWU will not be purchasing these lots from the ABIA Noise Mitigation Program.

Once the lots are returned to the ABIA Noise Mitigation program, the Federal Aviation Administration (FAA) requires that an airport owner must dispose of unneeded noise land at fair market value at the earliest practical time after the land is no longer needed for noise compatibility purposes. Federal law also requires that conveyance of property acquired under a noise program be subject to measures to reduce or eliminate present and future non-compatible uses of the land. The sale of the land is therefore subject to a perpetual aviation easement and restrictive covenants which prohibit the creation or maintenance of any obstruction to air aviation or a wildlife hazard, and further prohibits the use of the property for residential or school uses. As a result, the lots cannot be rezoned to their previous SF-3 classification. We are now requesting that these lots be rezoned from "P" to "CS" in order to allow the ABIA Noise Mitigation program to dispose of the properties at fair market value, while also meeting easement and restrictive covenant requirements placed on the land.

If you have any questions, please contact me at 512-974-1507.

Respectfully,

Jonathan Thompson, P.E.  
Project Manager  
Department of Public Works, Project Management Division  
cc: Project File